

SUPERIOR COURT BERGEN COUNTY
FILED

JUL 09 2004


DEPUTY CLERK

IN RE: DIET DRUG LITIGATION
VENUED IN BERGEN COUNTY

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO. BER-L-7718-03 MT
CASE CODE 240

APPLICABLE TO ALL CASES

**ORDER REGARDING
QUALIFYING ECHOCARDIOGRAMS**

THIS MATTER having been opened to the Court by counsel for Wyeth at the Discovery Conference on June 28, 2004, and good cause having been shown,

IT IS on this *9th* day of *July*, 2004, ORDERED AS FOLLOWS:

1. By the following deadlines in each discovery Group, Wyeth shall post on Verilaw a draft Qualifying Echocardiogram Chart listing, for each plaintiff, the "qualifying" echocardiogram(s) upon which Wyeth believes plaintiffs are relying to assert Intermediate Opt Out ("IOO") and/or Back End Opt Out ("BEOO") rights as set forth in the Nationwide Class Action Settlement Agreement ("CAS").

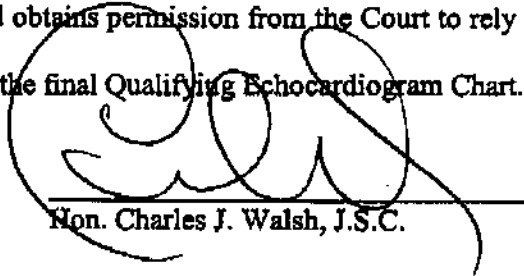
Group 3:	July 16, 2004
Group 4:	August 2, 2004
Group 5:	September 17, 2004
Group 6:	October 15, 2004
Group 7:	November 15, 2004
Group 8:	December 13, 2004
Group 9:	January 18, 2005
Group 10:	February 11, 2005
Group 11:	March 15, 2005
Group 12:	April 12, 2005
Group 13:	May 13, 2005

For discovery Groups 14 and higher, Wyeth shall post on Verilaw a draft Qualifying Echocardiogram Chart within 21 days of plaintiffs' deadline in each discovery Group to provide written notification identifying the "qualifying echocardiogram(s)" upon which plaintiff relies to exercise IOO or BEOO right under the CAS under Case Management Order.

2. No later than ten days after Wyeth posts a draft Qualifying Echocardiogram Chart on Verilaw for a given discovery Group, plaintiffs shall advise Wyeth in writing, served via Verilaw, of any corrections to the draft Qualifying Echocardiogram Chart.

3. Within fifteen days of Wyeth posting of a draft Qualifying Echocardiogram Chart for a given discovery Group, Wyeth shall file with the Court and serve via Verilaw a final Qualifying Echocardiogram Chart listing the qualifying echocardiograms upon which plaintiffs in the discovery Group are relying to assert a right to exercise an IOO or BEOO right under the CAS.

4. Thereafter, the echocardiograms listed in each final Qualifying Echocardiogram Chart shall be deemed to be the qualifying echocardiograms upon which plaintiffs rely to exercise IOO or BEOO rights under the CAS, and all eligibility challenges shall be predicated on those echocardiograms, unless a party seeks and obtains permission from the Court to rely on an echocardiogram(s) other than that designated in the final Qualifying Echocardiogram Chart.



Hon. Charles J. Walsh, J.S.C.